

**Testimony of William C. Buhl, Circuit Judge, before the House of Representatives
Judiciary Committee on November 18, 2009 in Lansing, Michigan**

I have already testified before this Committee on June 19, 2009 in Detroit, and will not repeat that testimony, but would like to summarize conclusions from it.

From the hearing on June 19th, as well as the hearings held by the House Transportation Committee, and the study by Senate Intern Elliot Wild in the summer of 2008, I assert the following to be not seriously in dispute:

1. The Fee is not a highway safety measure, but in fact is helping to create more danger on the highways of the State of Michigan.
2. The Fee discriminates against the poor by assessing amounts not proportionate to the crime, and by so doing creates an ever-growing number of unlicensed, uninsured citizens.
3. The Fee places additional burdens on already stressed law enforcement agencies, municipal attorneys and prosecutors, with big case load increases, and the fee is so unpopular that many in the system are bending over backwards helping violators avoid conviction. You would be hard put to find a police officer, prosecutor, magistrate, or judge that doesn't despise this Fee.
4. The volume of cases that scream out "unfair" has created a "decriminalization" of the violations of Section 904 of the Motor Vehicle Code.

An illustration of the last point is a probationer of mine, who current has 54 misdemeanor convictions, including 36 convictions for driving while suspended, and 64 suspensions. He has been assessed over \$13,000 in Driver Responsibility Fees. His sentences on his last 3 charges did not include jail. The law has ceased to have credibility.

The only virtue to this Fee is that it produces over \$100,000,000 a year. But to continue to use this method of revenue to pay for the operation of the government of this state is akin to me selling my blood to pay for law school, and selling it so often it destroys my health. I could pay for school, pass the Bar Exam, practice law in ill health for 3 years and die. You are slowly economically killing your constituents. Repeal it.